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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,055	09/05/2003	Chih-Chin Chang	10658-US-PA	2054
31561	7590	01/12/2006	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE			TRINH, MINH N	
7 FLOOR-1, NO. 100			ART UNIT	PAPER NUMBER
ROOSEVELT ROAD, SECTION 2				
TAIPEI, 100			3729	
TAIWAN			DATE MAILED: 01/12/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Sp

Office Action Summary	Application No.	Applicant(s)
	10/605,055	CHANG ET AL.
	Examiner Minh Trinh	Art Unit 3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-10 in the reply filed on 11/03/05 is acknowledged. Non elected claims 11-17 have been cancelled.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "Mask for fabricating a contact" or the like.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al (6,905,621) in view of Lee et al (6,653,028).

Ho discloses a mask for fabricating contacts comprising a contact pattern having a photo exposure region; and an edge pattern at the edge of the contact pattern. (see Fig. 2a, 2d or 3a, which represents a number of related masks having the configuration requirements set forth above i.e., Fig. 2 shows contact forming mask 32 includes exposure region 33 and edge pattern 34). Ho is in silent about whether the edge pattern is a half tone region. Regarding to this, it would have been an obvious matter of design choice to choose any desired materials for use as the edge of the contact pattern since applicant has not disclosed that the edge pattern is a half tone region is a critical, patentably distinguishing feature and it appears that the invention would perform equally well with the edge pattern is a PMS as discussed in col. 5, lines 1-5 and col. 6, lines 60-67 of the Ho's reference.

Further, Lee et al discloses exposure region by half tone (see Figs. 2A-2B and their discussion at col. 1, lines 64-67 and col. 2, lines 1-6). Therefore, it would have been obvious to one ordinary having skill in the art at the time of the invention was made to employ the Lee's teaching as described above onto the invention of Ho in order to form a desired mask having the half tone configuration regions therefrom.

5. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al (6,905,621) in view of Lee et al (6,653,028) as applied above and further in view of Blatchford, Jr. et al (6,680,150).

Ho or Lee et al as modified and applied above do not teach the saw tooth edge pattern and its lining configurations recited in each of claims 2-3. Blatchford, Jr. et al teach that (see various related Figs. 1-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to utilize the Blatchford's teaching of saw tooth pattern as shown in their Figs 1-5 onto the modified invention of Ho/ Lee et al as so to form a contact pattern having a particular shape, the motivation for the combination can be found in col. 6, lines 39-44 of the Blatchford' s reference.

Limitations of claims 4-10 are similar to that as discussed above.

Furthermore, regarding the edge pattern in term of its shape as recited in claims 2-10, it would have been an obvious matter of design choice to modify the edge pattern including the shape as recited in these claims, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (571) 272-4569. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/3/06
mt


MINH TRINH
PRIMARY EXAMINER